

EXHIBIT 5

From: Monica McCarroll <MMcCarroll@redgravellp.com>
Sent: Friday, January 17, 2020 3:47 PM
To: Hatch, Benjamin L.; McFarland, Robert W.; Peterson, Ashley P.; Noonan, Jeanne E.; Evans, Jason D.; Justus, J. Brent; Kynes, Cameron G.; Hugh Fain; John Erbach; Connell Mullins; Spivey, W. Edgar; Belote, Clark J.; James Chapman; W. Ryan Snow; David Hartnett; Darius Davenport
Cc: Lacy, Michael E.; Wingfield, Alan D.; Flowers, Elizabeth Spain; Andre Welbon
Subject: CSXT v. NSR et al. - NSR Updated Search Terms and NSR Proposed Search Terms
Attachments: NSR Updated Search Terms (20200117).PDF; NSR Proposed Search Terms (20200117).PDF

Counsel,

I am attaching NSR's second set of search terms, which updates the terms I shared on November 26, 2019, in accordance with the ESI Order. For ease of review, the updated terms have been **bolded**. This second set of search terms reflects NSR's continued refinement of additional terms targeted at certain discovery requests issued by CSXT that were not captured by NSR's first set of search terms, which I noted in my transmittal of the first set. This second set of search terms also reflects NSR's agreement to certain proposals made by CSXT during the meet and confer process (e.g., adding "NS Junct*", broadening the "Belt Line" terms). NSR is actively reviewing documents being returned by this second set of search terms.

I also am attaching NSR's proposed search terms to address certain concepts that have not been fully targeted in the search terms the parties have exchanged thus far, including the "geographic limitations" that NSR and CSXT have been discussing during our last few meet and confers and related correspondence. NSR does not agree that any search of custodial data should be limited to terms associated solely with the Port of Virginia facilities. Accordingly, we propose the attached terms. These terms have been refined and tested to ensure they are as narrow and targeted as possible, while still capturing relevant information. (Please note that terms 3-6 have been separated into subparts solely to reflect character limitations within the search functionality of Relativity.)

Please advise if CSXT agrees to these proposed search terms, or would like to discuss further. We are prepared to do so on this afternoon's call, time permitting, or at a mutually convenient time early next week.

Regards,

MONICA McCARROLL

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1. (compet* OR stud* OR evaluat* OR analysis) w/20 (((Virginia or VA or "Hampton Roads") w/3 (Port or Terminal)) or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT)
2. ((lose OR lost OR forfeit*) W/5 (business OR ship* OR account* OR traffic)) w/20 (Virginia or "Hampton Roads" or VA or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT)
- 3a. (Pric* OR Rate* OR cost* OR margin* OR fee* OR fare*) w/20 (((Virginia OR "Hampton Roads" OR VA) w/3 (port* or terminal*)) OR "Norfolk International Terminal" OR NIT OR "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT) OR (("New Orleans" OR Houston OR Gulfport OR Mobile OR "Los Angeles" OR "Long Beach" OR "San Francisco" OR Oakland OR Portland OR Tacoma OR Seattle OR Vancouver OR Panama) w/3 (port* or terminal*))
- 3b. (Pric* OR Rate* OR cost* OR margin* OR fee* OR fare*) w/20 (((Virginia OR "Hampton Roads" OR VA) w/3 (port* or terminal*)) OR "Norfolk International Terminal" OR NIT OR "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT) OR ((Montreal OR Quebec OR Halifax OR "Saint John" OR "St. John" OR "Little Ferry" OR "North Bergen" OR Kearny OR "New York" OR Newark) w/3 (port* or terminal*))
- 3c. (Pric* OR Rate* OR cost* OR margin* OR fee* OR fare*) w/20 (((Virginia OR "Hampton Roads" OR VA) w/3 (port* or terminal*)) OR "Norfolk International Terminal" OR NIT OR "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT) OR ((Philadelphia OR Baltimore OR Wilmington OR Charleston OR Savannah OR Jacksonville OR Lauderdale OR Miami OR Everglades OR Tampa) w/3 (port* or terminal*))
- 3d. (Pric* OR Rate* OR cost* OR margin* OR fee* OR fare*) w/20 (((Virginia OR "Hampton Roads" OR VA) w/3 (port* or terminal*)) OR "Norfolk International Terminal" OR NIT OR "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT) OR ("Seagirt Marine Terminal" OR POMTOC OR "Elizabeth Marine Terminal" OR EZMT OR NYCT OR PNCT OR LATC OR ICTF)
- 4a. (capacit* OR volum*) w/10 (((Virginia or "Hampton Roads" or VA OR Montreal OR Quebec OR Halifax OR "Saint John" OR "St. John" OR "Little Ferry" OR "North Bergen" OR Kearny or "New York" OR "Newark") w/3 (port* or terminal*)) OR "Elizabeth Marine Terminal" OR EZMT OR NYCT OR PNCT or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT)

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- 4b. (capacit* OR volum*) w/10 (((Virginia or "Hampton Roads" or VA OR "New Orleans" OR Houston OR Gulfport OR Mobile OR "Los Angeles" OR "Long Beach" OR "San Francisco" OR Oakland OR Portland OR Tacoma OR Seattle OR Vancouver OR Panama) w/3 (port* or terminal*)) OR LATC OR ICTF or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT)
- 4c. (capacit* OR volum*) w/10 (((Virginia or "Hampton Roads" or VA OR Philadelphia OR Baltimore OR Wilmington OR Charleston OR Savannah OR Jacksonville OR Lauderdale OR Miami OR Everglades OR Tampa) w/3 (port* or terminal*)) OR "Seagirt Marine Terminal" OR POMTOC or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT)
- 5a. (dray* OR truck* OR barge*) w/20 (((Virginia or "Hampton Roads" or VA OR Montreal OR Quebec OR Halifax OR "Saint John" OR "St. John" OR "Little Ferry" OR "North Bergen" OR Kearny OR "New York" or Newark) w/3 (port* or terminal*)) OR "Elizabeth Marine Terminal" OR EZMT OR NYCT OR PNCT or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT)
- 5b. (dray* OR truck* OR barge*) w/20 (((Virginia or "Hampton Roads" or VA OR Philadelphia OR Baltimore OR Wilmington OR Charleston OR Savannah OR Jacksonville OR Lauderdale OR Miami OR Everglades OR Tampa) w/3 (port* or terminal*)) OR "Seagirt Marine Terminal" OR POMTOC or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT)
- 5c. (dray* OR truck* OR barge*) w/20 (((Virginia or "Hampton Roads" or VA OR "New Orleans" OR Houston OR Gulfport OR Mobile OR "Los Angeles" OR "Long Beach" OR "San Francisco" OR Oakland OR Portland OR Tacoma OR Seattle OR Vancouver OR Panama) w/3 (port* or terminal*)) OR LATC OR ICTF or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT)
- 6a. (compar* OR advan* OR disadvan* OR positiv* w/3 benefit*) OR (negativ* w/3 benefit*) and (((Virginia or "Hampton Roads" or VA) w/3 (port* or terminal*)) or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT) and (("New Orleans" OR Houston OR Gulfport OR Mobile OR "Los Angeles" OR "Long Beach") w/3 (port* or terminal*))

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- 6b. (compar* OR advan* OR disadvan* OR (positiv* w/3 benefit*) OR (negativ* w/3 benefit*)) and (((Virginia or "Hampton Roads" or VA) w/3 (port* or terminal*)) or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT) and (("San Francisco" OR Oakland OR Portland OR Tacoma OR Seattle OR Vancouver OR Panama) w/3 (port* or terminal*))
- 6c. (compar* OR advan* OR disadvan* OR (positiv* w/3 benefit*) OR (negativ* w/3 benefit*)) and (((Virginia or "Hampton Roads" or VA) w/3 (port* OR terminal*)) or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT) and ((Montreal OR Quebec OR Halifax OR "Saint John" OR "St. John" OR "Little Ferry" OR "North Bergen" OR Kearny OR "New York" OR "Newark") w/3 (port* or terminal*))
- 6d. (compar* OR advan* OR disadvan* OR (positiv* w/3 benefit*) OR (negativ* w/3 benefit*)) and (((Virginia or "Hampton Roads" or VA) w/3 (port* OR terminal*)) or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT) and ((Philadelphia OR Baltimore OR Wilmington OR Charleston OR Savannah OR Jacksonville OR Lauderdale OR Miami OR Everglades OR Tampa) w/3 (port* or terminal*))
- 6e. (compar* OR advan* OR disadvan* OR (positiv* w/3 benefit*) OR (negativ* w/3 benefit*)) and (((Virginia or "Hampton Roads" or VA) w/3 (port* or terminal*)) or "Norfolk International Terminal" OR NIT or "Virginia International Gateway" OR VIG OR "Portsmouth Marine Terminal" OR PMT) and (LATC OR ICTF or "Seagirt Marine Terminal" OR POMTOC OR "Elizabeth Marine Terminal" OR EZMT OR NYCT OR PNCT)

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1. (beltline OR NPBL OR "belt line") AND NOT Chicago
2. ("Virginia International Terminal*" OR "Virginia Port Authority" OR VIT OR VPA OR "*virginia.gov") AND (CSX* OR (switch w/5 (fee* or rate*)))
3. CSX* w/50 ((2010 OR 2018) w/10 rate*)
4. (beltline OR NPBL OR "belt line") AND (diamond **OR "NS Junct*" OR "Carolina Junct*" OR** ((milepost or "mile post") w/10 ("1.40" OR "2.30")))
5. (beltline OR NPBL OR "belt line") w/20 audit*
6. (beltline OR NPBL OR "belt line") AND ("*csx.com" OR CSX*)
7. (beltline OR NPBL OR "belt line") AND (STB OR "Surface Transportation Board" OR (surface w/5 board))
8. (beltline OR NPBL OR "belt line" OR CSX*) w/50 ("Norfolk International Terminal" OR "Portsmouth Marine Terminal" OR "Virginia International Gateway" OR "Virginia International Terminal*" OR "Virginia Port Authority" OR NIT OR PMT OR VIT OR VPA **OR VIG OR "Pinner's Point"**)
9. "*gwrr.com" AND (switch w/5 (fee* OR rate*))
10. (**infrastructure OR dray* OR access* OR limit***) w/20 ("Norfolk International Terminal" OR "Portsmouth Marine Terminal" OR "Virginia International Gateway" OR "Virginia International Terminal*" OR "Virginia Port Authority" OR NIT OR PMT OR VIT OR VPA OR VIG OR "Pinner's Point")
11. (**sale* OR "market share" OR customer***) w/20 ("Norfolk International Terminal" OR "Portsmouth Marine Terminal" OR "Virginia International Gateway" OR "Virginia International Terminal*" OR "Virginia Port Authority" OR NIT OR PMT OR IT OR VPA OR VIG OR "Pinner's Point")
12. (belt w/2 line) OR NPBL OR NPB OR "belt line" OR beltline